

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael W. Stephens	
Application No.: 10/766,219	Group Art Unit: 1714
Filed: January 28, 2004	Examiner: Cephia D. Toomer
Title: COMBUSTIBLE PRODUCT AND PACKAGE	
Attorney Docket No.: STEPHENS 1	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MICHAEL STEPHENS

I, Michael W. Stephens, declare as follows:

1. I am President and CEO of Stephens & Co., the manufacturer and seller of CharCones combustible products that are made in accordance with the presently-claimed invention. I am also the inventor of the present invention.

2. At present, Stephens & Co. is a very small company whose sole product is the CharCones product. This summer, Stephens & Co. has only pursued a pilot sales program. The test market so far has consisted of selling the CharCones product in thirteen stores of a Central Virginia grocery chain and in one store of a six store hardware chain. At present, there is only four weeks of sales history.

3. A senior executive at the Central Virginia grocery chain that is test marketing the product is a 30 year grocery veteran. He has been quoted to saying that "This particular product, we are really excited about because we think it brings new innovation to the category..."

4. With respect to grocery store sales, the CharCones product has been selling better than 2 to 1 compared to the combined sales of similar-sized products (four pounds and under) of a well-known national brand of match-lightable product. The sales of the CharCones product are averaging over 60% market share within this "convenience-size" group. The CharCones product has even sold well as compared with all charcoal sales.

5. With respect to the hardware store sales, the single-store sales of the CharCones product represented approximately 25% of all charcoal sales for that entire hardware store chain group compared to last year's sales for the same time period.

6. The foregoing success in sales has been obtained without discounting the product. In fact, the CharCones product is sold at a premium price, as much as, 38% per pound more than the comparable products. Furthermore, the sales performance cited above was achieved without advertising, without in-store displays or signage, and with limited in-store placement. Both test market store customers are expanding distribution of the product, and Stephens & Co. has

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received numerous inquiries from other major retailers with respect to the CharCones product.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 7/31/05

Michael W. Stephens
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